

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 263248

64

ORIGIN IO-10

INFO OCT-01 ISO-00 L-03 COME-00 EB-07 AF-06 ARA-06 EA-07

EUR-12 NEA-10 H-02 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 CU-02 INR-07 NSAE-00 SS-15 NSC-05 /093 R

DRAFTED BY IO/UNESCO:WPOBRIEN;L/CRP:EMAURER:LL

APPROVED BY IO/UNESCO:RCHEATER

IO/UNP:POAKLEY

----- 032386

O 062044Z NOV 75

FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK IMMEDIATE

LIMITED OFFICIAL USE STATE 263248

E.O. 11652:N/A

TAGS:AORG, UN, UNESCO, OCON

SUBJECT:AGENDA ITEM 26: DRAFT RESOLUTION ON RESTITUTION
OF WORKS OF ART (A/L.766/REV. 1)

REF: O'BRIEN - WHISTLER TELCON NOVEMBER 5

1. DR AS WRITTEN PRESENTS SEVERAL PROBLEMS RE U.S.
INTERESTS: (A) IT OPENS UP POSSIBILITY OF RETROACTIVITY.
IN UNESCO CONVENTION ON MEANS OF PROHIBITING ILLICIT
IMPORT, EXPORT, AND TRANSFER OWNERSHIP CULTURAL PROPERTY
AND NEGOTIATIONS WE WERE ONLY PREPARED TO AGREE ON
GOVERNMENTS' TAKING RESTITUTION ACTION WITH RESPECT TO
PROPERTY COMING INTO COUNTRY AFTER EFFECTIVE DATE OF
CONVENTION FOR THAT COUNTRY. WITH RESPECT TO PROPERTY
COMING IN EARLIER THERE IS AVAILABLE TO INDIVIDUALS AND
COUNTRIES OUR COURTS FOR RESOLUTION OF CLAIMS AND
RESTITUTION OF PROPERTY. (B) DR CALLS FOR RESTITUTION
"WITHOUT CHARGE." USG AGREES WITH THIS AS POLICY MATTER

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 263248

BUT IN UNESCO CONVENTION UNLESS RECIPROCITY EXISTS COUNTRY

MAY CHARGE. (C) DR SPEAKS ONLY OF RESTITUTION TO COUNTRIES. US HAS IN PAST RESTORED PROPERTY TO INDIVIDUAL OWNER (E.G. REFUGEES FROM COUNTRY OF ORIGIN) OR HAS ALLOWED COUNTRY TO TURN OVER PROPERTY TO INDIVIDUAL OWNER.

2. DEPT DOES NOT REPEAT NOT BELIEVE DR COULD BE SUCCESSFULLY AMENDED TO COMPORT WITH USG VIEWS. THEREFORE USDEL IS INSTRUCTED TO ABSTAIN.

3. USDEL MAY STATE IN EXPLANATION OF VOTE THAT USG STRONGLY SUPPORTS RESTITUTION OF CULTURAL PROPERTY IN ACCORDANCE WITH PROVISIONS OF THE UNESCO CONVENTION TO WHICH THE SENATE HAS GIVEN ITS ADVICE AND CONSENT BUT FOR WHICH WE HAVE NOT YET DEPOSITED OUR INSTRUMENT OF RATIFICATION SINCE WE FIRST NEED IMPLEMENTING LEGISLATION. SUCH LEGISLATION HAS BEEN SUBMITTED TO CONGRESS. U.S. MUST ABSTAIN, HOWEVER, BECAUSE OF IMPLICATIONS OF DR AS NOTED IN PARA ONE. DEL MAY ALSO POINT OUT THAT WE STRONGLY SUPPORT INVITATION TO OTHER GOVERNMENTS TO BECOME PARTIES TO UNESCO CONVENTION. KISSINGER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 06 NOV 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE263248
Document Source: CORE
Document Unique ID: 00
Drafter: WPOBRIEN;L/CRP:EMAURER:LL
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750386-0607
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751171/aaaaclld.tel
Line Count: 81
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 27 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <27 MAY 2003 by ElyME>; APPROVED <12 NOV 2003 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GENDA ITEM 26: DRAFT RESOLUTION ON RESTITUTION OF WORKS OF ART (A/L.766/REV. 1)
TAGS: AORG, OCON, UN, UNESCO
To: USUN NEW YORK
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006